

House Study Bill 73

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to contributory fault in a personal injury
2 action.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1840HC 82
5 rh/es/88

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1 1 Section 1. Section 668.3, subsection 1, paragraph b, Code
1 2 2007, is amended to read as follows:
1 3 b. Contributory fault shall not bar recovery in an action
1 4 by a claimant to recover damages for the expense and actual
1 5 loss of services, companionship, society, or consortium,
1 6 unless the fault attributable to the person whose injury or
1 7 death provided the basis for the damages is greater in
1 8 percentage than the combined percentage of fault attributable
1 9 to the defendants, third-party defendants, and persons who
1 10 have been released pursuant to section 668.7, but any damages
1 11 allowed shall be diminished in proportion to the amount of
1 12 fault attributable to the person whose injury or death
1 13 provided the basis for the damages.

1 14 EXPLANATION

1 15 This bill relates to contributory fault in a personal
1 16 injury action.
1 17 Current comparative fault law in Iowa provides that any
1 18 damages awarded in a personal injury action for loss of
1 19 consortium, services, companionship, or society shall be
1 20 reduced by the percentage of fault attributed to the injured
1 21 person. The bill specifies that expenses and actual losses
1 22 relating to loss of consortium, services, companionship, or
1 23 society claims shall be considered when determining damages
1 24 and the percentage of fault attributed to the injured person.
1 25 LSB 1840HC 82
1 26 rh:rj/es/88